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OFFICE OF PETITIONS

LADAS & PARRY
26 WEST 61 STREET
NEW YORK NY 10023

In re Application of
Motoyuki Fujimori
Application No. 09/912,070
Filed: July 24, 2001
Attorney Docket No. U 013566-9

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: ON PETITION
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This is a decision on the renewed petition under 37 CFR 1.137(b)¹, filed January 9, 2007, to revive the above-identified application.

The petition is GRANTED.

The above-referenced application was held abandoned on March 6, 2003, for failure to file drawing corrections required by a Final Office Action mailed December 5, 2002. The Office Action set a three (3)-month statutory period for reply. In response to the Final Office Action, an amendment and a one month extension of time were filed on April 9, 2003 (certificate of mail date April 4, 2003). The extension of time extended the time for response from March 6, 2003 to April 6, 2003, however the response filed April 9, 2003 did not include proper drawing corrections. Thus, the amendment filed April 9, 2003 was not responsive to the Office Action and the application was appropriately abandoned. Accordingly, a Notice of Abandonment was mailed April 23, 2003. A petition filed November 2, 2006 was dismissed in a decision mailed December 4, 2006 because the petition did not satisfy requirement (1) under 37 CFR 1.137(b).

Comes now petitioner with the instant renewed petition, a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2851 for processing of the RCE.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).